PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference **KFE0108WOJ**	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2005/001537	**27.01.2005**	**30.01.2004**

International Patent Classification (IPC) or both national classification and IPC

Applicant

KUREHA CORPORATION

1. This opinion contains indications relating to the following items:

☒	Box No. I	Basis of the opinion
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP Facsimile No.	Authorized officer Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2005/001537

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ in written format

      ☐ in computer readable form

   c. time of filing/furnishing

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in computer readable form.

      ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2005/001537

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9, 12	YES
	Claims	10, 11, 13, 14	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP, 2003-136657, A

Claims 1 and 3-9:

Document 1 discloses a multilayered container comprising a polyglycolic acid layer and a thermoplastic polyester resin layer.

Document 1 does not disclose satisfying Expression (2) defined in claims 1 and 3 of the present application; however, it would not have been particularly difficult for a person skilled in the art to have an arrangement so that Expression (2) defined in claims 1 and 3 is satisfied, using various methods, such as making the gas-barrier layer thicker, providing two or more gas-barrier layers (see document 1, section [0067]), selecting a material for the thermoplastic polyester resin layer (see, for example, document 1, the third and the fourth embodiments), performing a crystallization process by a heat treatment.

Claim 2:

Document 1 also discloses using polylactic acid, of which the glass transition temperature is 70°C or lower, for the thermoplastic polyester resin layer (section [0053]).

Claims 10, 11, 13, and 14:

See document 1, claim 14 and the embodiment examples (in particular, section [0107].)

Claim 12:

The reheating temperature according to the first embodiment in document 1 is 160°C, which is out of the range defined in claim 12 of the present application; however, as disclosed in section [0091] of document 1, the temperature is arranged to be equal to or higher than the glass transition temperature and is equal to or lower than the crystallization temperature. Thus, it would not have been particularly difficult for a person skilled in the art to arrange the temperature in document 1 so as to be within the temperature range defined in claim 12 of the present application, in the case where an aliphatic polyester or the like that has a lower glass transition temperature than PET according to the first embodiment is used.